

**REMARKS**

Claims 1-4, 6-10, 14 and 26-31 are pending in this application. By this Amendment, claims 1, 7, 8 and 14 are amended and new claims 26-31 are added. Various amendments have been made to the claims for clarity and to correct typographical errors (and thus do not relate to issues of patentability).

Applicant gratefully acknowledges the Office Action's indication on pages 1 and 6 that claim 14 is allowed. The statement on page 2 of the Office Action regarding claim 14 appears to be a typographical error.

The Office Action rejects claims 1-4 and 6-9 under 35 U.S.C. §103(a) by U.S. Patent 6,483,820 to Davidson and U.S. Patent 6,590,865 to Ibaraki et al. (hereafter Ibaraki). The Office Action also rejects claim 10 under 35 U.S.C. §103(a) over Davidson in view of U.S. Patent Publication 20020114301 to Yee et al. (hereafter Yee). The rejections are respectfully traversed.

Independent claim 1 recites dynamically allocating the data call among the plurality of channels based on the traffic attribute and the occupied bandwidth, wherein a mobile switching system subtracts an occupied channel bandwidth from a maximum allowable channel bandwidth to determine whether there is a minimum available bandwidth in each channel, and allocates the channel having the least occupied bandwidth when no channel has the minimum available bandwidth and allocates the channel having the least available bandwidth when a channel exists having the minimum available bandwidth.

The applied references of Davidson and Ibaraki do not teach all these features of independent claim 1. That is, the references do not relate to allocating the channel having the least occupied bandwidth in combination with allocating the channel having the least available bandwidth. More specifically, neither of these references relate to the features regarding the least available bandwidth and the least occupied bandwidth. Accordingly, the references do not teach or suggest allocating the channel having the least occupied bandwidth when no channel has the minimum available bandwidth and allocating the channel having the least available bandwidth when a channel exists having the minimum available bandwidth. Accordingly, independent claim 1 defines patentable subject matter.

Each of independent claims 7 and 8 define patentable subject matter for at least similar reasons. That is, independent claim 7 recites dynamically allocating the data call among the plurality of channels based on the traffic attribute and the occupied bandwidth, wherein a mobile switching system allocates a channel having the largest available bandwidth when a requested bandwidth of the data call is greater than a prescribed bandwidth and the channel having an available bandwidth exists and the mobile switching system allocates a channel having the least occupied bandwidth when the requested bandwidth of the data call is greater than the prescribed bandwidth and the channel having the available bandwidth does not exist. The applied references of Davidson and Ibaraki do not relate to allocating a channel having the largest available bandwidth and allocating a channel having the least occupied bandwidth. Accordingly, independent claim 7 defines patentable subject matter.

Furthermore, independent claim 8 recites dynamically allocating the data call among the plurality of channels based on the traffic attribute and the occupied bandwidth, wherein a mobile switching system allocates a channel having the least available bandwidth when a requested bandwidth of the data call is smaller than a prescribed reference bandwidth and the channel having an available bandwidth exists and the mobile switching system allocates a channel having the least occupied bandwidth when the requested bandwidth of the data call is smaller than the prescribed bandwidth and the channel having the available bandwidth does not exist. The applied references of Davidson and Ibaraki do not relate to allocating a channel having the least available bandwidth and allocating a channel having the least occupied bandwidth. Accordingly, independent claim 8 defines patentable subject matter.

For at least the reasons set forth above, each of independent claims 1, 7, 8 and 14 define patentable subject matter. Each of the dependent claims depends from one of the independent claims and therefore defines patentable subject matter at least for this reason. In addition, the dependent claims also recite features that further and independently distinguish over the applied references. For example, each of dependent claims 26-31 relates to specific allocating features such as allocating a channel having the least occupied bandwidth, allocating the channel having the least available bandwidth and/or allocating the channel having the largest available bandwidth. For similar reasons as set forth above, the applied references do not teach or suggest these features. Thus, these dependent claims define patentable subject matter at least for this reason.

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### **CONCLUSION**

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance of claims 1-4, 6-10, 14 and 26-31 are earnestly solicited. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, **David C. Oren**, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,  
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